

## **REMARKS**

### **I. Summary of the Office Action**

The Office Action mailed October 19, 2009 (“the Office Action”) made the following objections and/or rejections, each of which is addressed in more detail below:

- (1) The declaration under 37 C.F.R. 1.132 filed on September 30, 2009 was allegedly insufficient to overcome the rejection of previously pending Claims 19-40;
- (2) Claims 19-21, 23-27, and 29-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0004853 (“Ram”) and U.S. Patent Application Publication No. 2003/0189670 (“Kennedy”);
- (3) Claims 22, 28, and 39-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ram, Kennedy, and U.S. Patent Application Publication No. 2002/0059129 (“Kemp”).

### **II. Declaration under 37 C.F.R. §1.132**

The Rule 1.132 Declaration of Farley Owens (“the FO Dec”) was deemed allegedly insufficient by the Office to overcome the rejection of previously pending Claims 19-40. More specifically, the Office stated that the FO DEC should refer “to actual claim language and not the general concept of the invention.” Office Action, p. 2. In view of the current amendment, Applicant reserves the right to correct the declaration in the future, if the need so arises.

### **III. Status of the Claims**

The present application includes claims 41-65. Claims 19-40 were canceled, without prejudice or disclaimer. Claims 41-65 were added to further focus on a specific embodiment of the claimed invention. No new matter has been added. Applicant reserves the right to prosecute claims of the same scope as prior to this amendment in the current application or in a different application.

#### IV. First Claim Rejection – 35 U.S.C. 103

Applicant now turns to the rejection of claims 19-21, 23-27, and 29-38 under 35 U.S.C. 103(a) as being unpatentable over Ram and Kennedy. Applicant respectfully traverses the rejection, and submits that the rejection is moot in view of the current amendment.

Applicant respectfully submits that the proposed combination of the references fails to disclose at least the following features of new independent Claim 41:

- receiving ... a ... command from a user input device to place a cursor over a location corresponding to a first price level on a trading screen;
- establishing ... an association between the cursor and the first price level responsive to placing the cursor over a location corresponding to a first price level; and subsequently,
- updating the trading screen ... such that the location on the trading screen no longer corresponds to the first price level; and subsequently,
- maintaining ... the association between the cursor and the first price level, and subsequently,
- receiving ... a ... command from the user input device to send a trade order in an order message to an electronic exchange, wherein the order message comprises the first price level in accordance with the association.

Therefore, Applicant respectfully submits that independent Claim 41 is allowable over the cited art of record for at least this reason. With respect to dependent Claims 42-65, these claims depend from independent Claim 41. Applicant respectfully submits that Claims 42-65 should be allowed for at least the reason that they each depend from an allowable claim.

#### V. First Claim Rejection – 35 U.S.C. 103

Applicant now turns to the rejection of Claims 22, 28, and 39-40 under 35 U.S.C. 103(a) as being unpatentable over Ram, Sugimoto, and Kemp. Applicant respectfully submits that the rejection is moot in view of the present amendment. Additionally, Kemp does not cure the deficiencies of Ram and Sugimoto discussed above. Therefore, Applicant respectfully submits

that independent Claim 41 and dependent Claims 42-65 are allowable over the proposed combination of Ram, Sugimoto, and Kemp.

VI. Conclusion

In general, the Office Action made various statements regarding the pending claims and the cited art that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (for example, if such statements should become relevant by appearing in a rejection of any current or future claim).

All the stated grounds of objection and rejection have been respectfully traversed, accommodated, or rendered moot. The Applicant therefore submits that the present application is in condition for allowance. If the Examiner believes that further dialog would expedite consideration of the application, the Examiner is invited to contact Trading Technologies in-house Patent Counsel Monika Dudek at 312-476-1118, or the undersigned attorney or agent.

Respectfully submitted,

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